HIS MAIESTIES SPEACH IN THE STARRE Chamber,

THE XX. OF IVNE.

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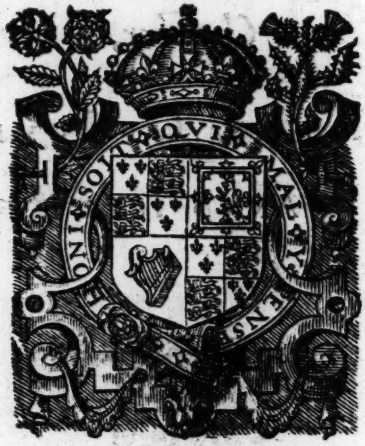

HIS MAIESTIES SPEACH IN THE STARRE-CHAMBER.

Iue thy Iudgements to the King, O God, and thy righteouſnes to the Kings ſonne. Theſe be the firſt words of one of the Pſalmes of the Kingly Prophet *Dauid*, wherof the literall ſenſe runnes vpon him and his ſonne *Salomon*, and the myſticall ſenſe vpon GOD, and CHRIST his eternall Sonne: but they are both ſo wouen together, as ſome parts are, and can onely be properly applyed vnto GOD and CHRIST, and other parts vnto

Dauid and *Salomon*, as this verſe, *Giue thy Iudgement to the King, O God, and thy righteouſnes to the Kings ſonne*, cannot be properly ſpoken of any but of *Dauid* and his ſonne; becauſe it is ſaid, *Giue thy Iudgement*, &c. Now God cannot giue to himſelfe. In another part of the ſame Pſalme, where it is ſaid, that *Righteouſnes ſhall flouriſh, and abundance of Peace as long as the Moone endureth*, it ſignifieth eternitie, and cannot be properly applied but to GOD and CHRIST: But both ſenſes, aſwell literall as myſticall, ſerue to Kings for imitation, and eſpecially to Chriſtian Kings: for Kings ſit in the Throne of GOD, and they themſelues are called Gods.

And therefore all good Kings in their gouernment muſt imitate God and his Chriſt, in being iuſt and righteous; *Dauid* and *Salomon*, in being godly and wiſe: To be wiſe, is vnderſtood, able to diſcerne, able to iudge others: To be godly is, that the fountaine be pure whence the ſtreams proceed: for what auailes it though all his workes be godly, if they proceed not from godlineſſe: To be righteous, is to a mans ſelfe: To be iuſt, is

towards

towards others : But Iuſtice in a King auailes not, vnleſſe it be with a cleane heart: for except he be Righteous, aſwel as Iuſt, he is no good King: and what euer iuſtice he doeth, except hee doeth it for Iuſtice ſake, and out or the pureneſſe of his owne heart, neither from priuate ends, vaine-glory, or any other by-reſpects of his owne, all ſuch Iuſtice is vnrighteouſneſſe, and no trew Iuſtice. From this imitation of GOD and CHRIST, in whoſe throne wee ſit, the gouernment of all Common-wealths, and eſpecially Monarchies, hath beene from the beginning ſetled and eſtabliſhed. Kings are properly Iudges, and Iudgement properly belongs to them from God: for Kings ſit in the Throne of God, and thence all Iudgement is deriued.

In all well ſetled Monarchies, where Law is eſtabliſhed formally and orderly, there Iudgement is deferred from the *King* to his Subordinate Magiſtrates; not that the *King* takes it from himſelfe, but giues it vnto them: So it comes not to them *Priuatiuè*, but *Cumulatiuè*, as the Schoolemen ſpeake.

The

The ground is ancient, euer ſithence that Counſell which *Iethro* gaue to *Moſes*: for after that *Moſes* had gouerned a long time, in his owne perſon, the burthen grew ſo great, hauing none to helpe him, as his father in law comming to viſite him, found him ſo cumbred with miniſtring of Iuſtice, that neither the people were ſatisfied, nor he well able to performe it; Therefore by his aduice, Iudges were deputed for eaſier queſtions, and the greater and more profound were left to *Moſes*: And according to this eſtabliſhment, all Kings that haue had a formall gouernement, eſpecially Chriſtian Kings in all aages haue gouerned their people, though after a diuers manner.

This Deputation is after one manner in *France*, after another here, and euen my owne Kingdomes differ in this point of gouernment: for *Scotland* differs both from *France* and *England* herein; but all agree in this, (I ſpeake of ſuch Kingdomes or States where the formality of law hath place) that the King that ſits in Gods throne, onely deputes ſubalterne Iudges, and he deputes not

one

one but a number (for no one ſubalterne Iudges mouth makes Law) and their office is to interprete Law, and adminiſter Iuſtice. But as to the number of them, the forme of gouernement, the manner of interpretation, the diſtinction of Benches, the diuerſitie of Courts; theſe varie according to the varietie of gouernment, and inſtitution of diuers Kings: So this ground I lay, that the ſeate of Iudgement is properly Gods, and Kings are Gods Vicegerents; and by Kings Iudges are deputed vnder them, to beare the burden of gouernement, according to the firſt example of *Moſes* by the aduice of *Iethro*, and ſithence practiſed by *Dauid* and *Salomon*, the wiſeſt Kings that euer were; which is in this Pſalme ſo interlaced, that as the firſt verſe cannot be applyed properly but to *Dauid* and *Salomon*, in the wordes, *Giue thy Iudgement to the King*, &c. So the other place in the ſame Pſalme, *Righteouſneſſe ſhall flouriſh, and abundance of peace ſhall remaine as long as the Moone endureth*, properly ſignifieth the eternitie of CHRIST. This I ſpeake to ſhew what a

neere coniunction there is betweene God and the King vpward, and the King and his Iudges downewards: for the ſame coniunction that is betweene God and the King vpward; the ſame coniunction is betweene the King and his Iudges downewards.

As Kings borrow their power from God, ſo Iudges from Kings: And as Kings are to accompt to God, ſo Iudges vnto God and Kings; and both Kings and Iudges by imitation, haue two qualities from God and his Chriſt, and two qualities from *Dauid* and his *Salomon*: Iudgement and Righteouſnes, from God and Chriſt: Godlines and Wiſedome from *Dauid* and *Salomon*. And as no King can diſcharge his accompt to God, vnleſſe he make conſcience not to alter, but to declare and eſtabliſh the wil of God: So Iudges cannot diſcharge their accompts to Kings, vnleſſe they take the like care, not to take vpon them to make law, but ioyned together after a deliberate conſultation, to declare what the Law is; For as Kings are ſubiect vnto GODS Law, ſo they to mans

Law.

Law. It is the Kings Office to protect and ſettle the trew interpretation of the Law of God within his Dominions: And it is the Iudges Office to interprete the Law of the King, whereto themſelues are alſo ſubiect.

Hauing now perfourmed this ancient Prouerbe, *A Ioue principium*, which though it was ſpoken by a Pagan, yet it is good and holy: I am now to come to my particular Errand, for which I am here this day; wherin I muſt handle two parts: Firſt, the reaſon why I haue not theſe fourteene yeeres, ſithence my Coronation vntill now, ſatisfied a great many of my louing ſubiects, who I know haue had a great expectation, and as it were a longing, like them that are with child, to heare me ſpeake in this place, where my Predeceſſors haue often ſitten, and eſpecially King *Henry* the ſeuenth, from whom, as diuers wayes before, I am lineally deſcended, and that doubly to this Crowne; and as I am neereſt deſcended of him, ſo doe I deſire to follow him in his beſt actions.

The next part is the reaſon, Why I am now come: The cauſe that made mee ab-

ſtaine, was this: When I came into *England*, although I was an olde *King*, paſt middle aage, and practiſed in gouernment euer ſithence I was twelue yeeres olde; yet being here a ſtranger in gouernment, though not in blood, becauſe my breeding was in another Kingdome; I reſolued therfore with *Pythagoras* to keep ſilence ſeuen yeres, & learne my ſelfe the lawes of this Kingdome, before I would take vpon mee to teach them vnto others: When this Apprentiſhip was ended, then another impediment came, which was in the choice of that cauſe, that ſhould firſt bring mee hither. I expected ſome great cauſe to make my firſt entry vpon: For I thought that hauing abſtained ſo long, it ſhould bee a worthie matter that ſhould bring me hither. Now euery cauſe muſt be great or ſmall: In ſmall cauſes I thought it diſgracefull to come, hauing beene ſo long abſent: In great cauſes, they muſt be either betwixt the *King* and ſome of his Subiects, or betwixt Subiect and Subiect.

In a cauſe where my ſelfe was concerned, I was loath to come, becauſe men ſhould not

not thinke I did come for my owne priuate, either Prerogatiue or profit; or for any other by-reſpect: And in that I will alwaies abide the triall of men and Angels, neuer to haue had any particular end, in that which is the Maine of all things, *Iuſtice.*

In a great cauſe alſo betweene partie and party, great in reſpect either of the queſtion, or value of the thing, my comming might ſeeme, as it were obliquely, to bee in fauour of one party, and for that cauſe this Counſellour, or that Courtier might bee thought to mooue me to come hither; And a meane cauſe was not worthy of mee, eſpecially for my firſt entrance: So, lacke of choiſe in both reſpects, kept mee off till now: And now hauing paſſed a double apprentiſhip of twice ſeuen yeeres, I am come hither to ſpeake vnto you. And next as to the reaſons of my comming at this time, they are theſe:

I haue obſerued in the time of my whole Reigne heere, and my double Appprentiſhip, diuers things fallen out in the Iudicatures here at *Weſtminſter* Hall, that I thought required and vrged a reformation at my

handes; whereupon I reſolued with my ſelfe, that I could not more fitly begin a reformation, then heere to make an open declaration of my meaning. I remember Chriſtes ſaying, *My ſheepe heare my voice*, and ſo I aſſure my ſelfe, my people will moſt willingly heare the voice of me, their owne Shepheard and King; whereupon I tooke this occaſion in mine owne perſon heere in this Seate of Iudgement, not iudicially, but declaratorily and openly to giue thoſe directions, which, at other times by piece-meale, I haue deliuered to ſome of you in diuers leſſe publike places; but now will put it vp in all your audience, where I hope it ſhall bee trewly caried, and cannot be miſtaken, as it might haue beene when it was ſpoken more priuately: I will for order ſake take mee to the methode of the number of Three, the number of perfection, and vpon that number diſtribute all I haue to declare to you.

FIrſt I am to giue a charge to my ſelfe: for a King, or Iudge vnder a King, that firſt giues not a good charge to himſelfe,

ſelfe, wil neuer be able to giue a good charge to his inferiors; for as I haue ſaid, Good riuers cannot flow but frō good ſprings; if the fountaine be impure, ſo muſt the riuers be.

Secondly, to the Iudges: And thirdly, to the Auditory, and the reſt of the inferiour miniſters of Iuſtice.

Firſt I proteſt to you all, in all your audience, here ſitting in the ſeate of Iuſtice, belonging vnto God, and now by right fallen vnto me, that I haue reſolued, as Confirmation in Maiority followeth Baptiſme in minoritie; ſo now after many yeeres, to renew my promiſe & oath made at my Coronation concerning Iuſtice, and the promiſe therein for maintenance of the Law of the land. And I proteſt in Gods preſence, my care hath euer bene to keepe my conſcience cleare in all the points of my Oath, taken at my Coronation, ſo farre as humane frailtie may permit me, or my knowledge informe mee, I ſpeake in point of Iuſtice and Law; For Religion, I hope I am reaſonably well knowen already: I meane therefore of Law and Iuſtice; and for Law, I meane the Com-

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mon Law of the lande, according to which the King gouernes, and by which the people aregouerned. For the Common Law, you can all beare me witnes, I neuer preſſed alteration of it in Parliament; but on the contrary, when I endeuored moſt an Vnion reall, as was already in my perſon, my deſire was to conforme the Lawes of *Scotland* to the Law of *England*, and not the Law of *England* to the Law of *Scotland*; and ſo the propheſie to bee trew of my wife Grandfather *Henry* the 7. who fortold that the leſſer kingdome by mariage, would follow the greater, and not the greater the leſſer: And therfore married his eldeſt daughter *Margaret* to *Iames* the fourth, my great Grandfather.

It was a fooliſh Querke of ſome Iudges, who helde that the Parliament of *England*, could not vnite *Scotland* and *England* by the name of *Great Britaine*, but that it would make an alteration of the Lawes, though I am ſince come to that knowledge, that an Acte of Parliament can doe greater wonders: And that old wiſe man the Treaſourer *Burghley* was wont to ſay, Hee knew not

what

what an acte of Parliament could not doe in *England*, for my intention was alwayes to effect Vnion by vniting *Scotland* to *England*, and not *England* to *Scotland*: For I euer meant, being euer resolued, that this Law should continue in this Kingdome, and two things mooued me thereunto; One is, that in matter of Policie and State, you shall neuer see any thing anciently and maturely established, but by Innouation or alteration it is worse then it was, I meane not by purging of it from corruptions, and restoring it to the ancient integritie; Another reason was, I was sworne to maintaine the Law of the land, and therefore I had bene periured if I had altered it; And this I speake to roote out the conceit and misapprehension, if it bee in any heart, that I would change, damnifie, vilifie, or suppresse the Law of this Land. GOD is my Iudge I neuer meant it; And this confirmation I make before you all.

To this I ioyne the point of Iustice, which I call *Vnicuique suum tribuere*. All my Councell, and Iudges, dead and aliue

can, and could beare mee witneſſe, how vnpartiall I haue bene in declaring of Law. Note. And where it hath concerned mee in my owne inheritance, I haue as willingly ſubmitted my intereſt to the Law, as any my Subiects could doe, and it becomes mee ſo to doe, to giue example to others: much leſſe then, will I be partiall to others, where I am not to my ſelfe. And ſo reſolue your ſelues, Iuſtice with mee may be moderated in point of clemencie: for no Iuſtice can be without mercie. But in matters of Iuſtice Note. to giue euery man his owne, to bee blinde without eyes of partialitie; This is my full reſolution.

I vſed to ſay when I was in *Scotland*, if any man mooued mee to delay Iuſtice, that it was againſt the Office of a King ſo to do; But when any made ſuit to haſten Iuſtice, I tolde them I had rather graunt fourtie of theſe ſuits, then one of the other: This was alwayes my cuſtome and ſhall be euer, with Gods leaue.

Now what I haue ſpoken of Law and Iuſtice, I meane by the Law kept in her owne

owne bounds: For I vnderſtand the inheritance of the King, and Subiects in this land, muſt bee determined by the Common Law, &c; and that is, by the Law ſet downe in our forefathers time, expounded by learned men diuers times after in the declaratorie Comments, called *Reſponſa Prudentum*; Or els by Statute Law, ſet downe by Acte of Parliament, as occaſions ſerues: By this I doe not ſeclude all other Lawes of *England*; but this is the Law of inheritance in this Kingdome.

There is another Law, of all Lawes free and ſupreame, which is GODS LAVV: And by this all Common and municipall Lawes muſt be gouerned: And except they haue dependance vpon this Law, they are vniuſt and vnlawfull.

When I ſpeake of that Law, I onely giue this touch, That that Law in this Kingdome hath bene too much neglected, and Churchmen too much had in contempt, I muſt ſpeake trewth, Great men, Lords, Iudges, and people of all degrees from the higheſt to the loweſt, haue too much con-

temned them: And GOD will not bleſſe vs in our owne Lawes, if wee doe not reuerence and obey GODS LAW; which cannot be, except the interpreters of it bee reſpected and reuerenced.

And it is a ſigne of the latter dayes drawing on; euen the contempt of the Church, and of the Gouernours and Teachers thereof now in the Church of ENGLAND, which I ſay in my conſcience, of any Church that euer I read or knew of, preſent or paſt, is moſt pure, and neereſt the Primitiue and Apoſtolicall Church in Doctrine and Diſcipline, and is ſurelieſt founded vpon the word of God, of any Church in Chriſtendome.

Law of Nations

Next vnto this Law is the Law of Nations, which God forbid ſhould bee barred, and that for two cauſes: One, becauſe it is a Law to ſatisfie ſtrangers, which will not ſo well holde themſelues ſatisfied with other municipall Lawes: Another, to ſatisfie our owne Subiects in matters of Piracie, Marriage, Wills, and things of like nature: That Law I diuide into Ciuill and Canon,

And

And this Law hath bene ſo much encroached vpon, ſithence my comming to the Crowne, and ſo had in contempt, that yong men are diſcouraged from ſtudying, and the reſt weary of their liues that doe profeſſe it, and would be glad to ſeeke any other craft.

So, ſpeaking of the Common Law, I meane the Common Law kept within her owne limits, and not derogating from theſe other Lawes, which by long cuſtome haue bene rooted here, firſt, the LAW OF GOD and his Church, and next, the Law Ciuill and Canon, which in many caſes cannot be wanting.

To conclude this charge which I giue my ſelfe, I profeſſe to maintaine all the points of mine Oath, eſpecially in Lawes, and of Lawes, eſpecially the Common-Law.

And as to maintaine it, ſo to purge it; for elſe it cannot be maintained: and eſpecially to purge it from two corruptions, Incertaintie and Noueltie: Incertaintie is found in the Law it ſelfe, wherein I will be painefull to cleare it to the people, and this is pro-

perly to be done in Parliament by aduice of the Iudges.

Nicities. The other corruption is introduced by the Iudges themſelues, by Nicities that are vſed, where it may be ſaid, *Ab initio non fuit ſic.*

Nothing in the world is more likely to bee permanent to our eyes then yron or ſteele, yet the ruſt corrupts it, if it bee not kept cleane: which ſheweth, nothing is permanent here in this world, if it be not purged: So I cannot diſcharge my conſcience in maintayning the Lawes, if I keepe them not cleane from corruption.

And now that I may be like the Paſtour, that firſt takes the Sacrament himſelfe, and then giues it to the people: So I haue firſt taken my owne charge vpon me, before I giue you your Charge, leſt it might bee ſaid, *Turpe eſt doctori, cum culpa redarguit ipſum.*

NOw my Lords the Iudges for your parts, the Charge I haue to giue you, conſiſts likewiſe in three parts.

Firſt in generall, that you doe Iuſtice vprightly, as you ſhall anſwere to GOD, and me:

mee: for as I haue onely GOD to anſwere to, and to expect puniſhment at his handes, if I offend; So you are to anſwere both to GOD and to mee, and expect puniſhment at GODs hands and mine, if you be found in fault.

Secondly, to doe Iuſtice indifferently betweene Subiect and Subiect, betweene King and Subiect, without delay, partialitie, feare or briberie, with ſtoute and vpright hearts, with cleane and vncorrupt hands.

Note.

When I bid you doe Iuſtice boldly, yet I bid you doe it fearefully; fearefully in this, to vtter your owne conceits, and not the trew meaning of the Law: And remember you are no makers of Law, but Interpretours of Law, according to the trew ſence thereof; for your Office is *Ius dicere* and not *Ius dare*: And that you are ſo farre from making Law, that euen in the higher houſe of Parliament you haue no voice in making of a Law, but onely to giue your aduice when you are required.

Judges cannot make lawes but &c.

Judges no voices to in Parlam^t to make lawes.

And though the Lawes bee in many places

ces obscure, and not so well knowne to the multitude as to you, and that there are many parts that come not into ordinary practise, which are knowne to you, because you can finde out the reason thereof by bookes and presidents; yet know this, that your interpretations must bee alwayes subiect to common sense and reason.

Iudges interpretations of the Laws must be anoxing to sense & reason.

For I will neuer trust any interpretation, that agreeth not with my common sense and reason, and trew Logicke: for *Ratio est anima Legis* in all humane Lawes, without exception; it must not bee Sophistrie or straines of wit that must interprete, but either cleare Law, or solide reason.

But in Countreys where the formalitie of Law hath no place, as in *Denmarke*, which I may trewly report, as hauing my selfe bene an eye-witnesse thereof; all their State is gouerned onely by a written Law; there is no Aduocate or Proctour admitted to plead, onely the parties themselues plead their owne cause, and then a man stands vp and reads the Law, and there is an end; for the very Law-booke it selfe is their onely Iudge.

Iudge. Happy were all Kingdomes if they could be ſo: But heere, curious wits, various conceits, different actions, and varietie of examples breed queſtions in Law: And therefore when you heare the queſtions, if they bee plaine, there is a plaine way in it ſelfe; if they bee ſuch as are not plaine (for mens inuentions dayly abound) then are you to interprete according to common ſenſe, and draw a good and certaine *Minor* of naturall reaſon, out of the *Maior* of direct Lawe, and thereupon to make a right and trew *Concluſion*.

For though the Common Law be a myſterie and skill beſt knowen vnto your ſelues, yet if your interpretation be ſuch, as other men which haue Logicke and common ſenſe vnderſtand not the reaſon, I will neuer truſt ſuch an Interpretation.

Remember alſo you are Iudges, and not a Iudge; and diuided into Benches, which ſheweth that what you doe, that you ſhould doe with aduice and deliberation, not haſtily and raſhly, before you well ſtudy the caſe, and conferre together; debating it duely,

not giuing ſingle opinions, *per emendicata ſuffragia*, and ſo to giue your Iudgement, as you will anſwer to God and me.

Now hauing ſpoken of your Office in generall, I am next to come to the limits wherein you are to bound your ſelues, which likewiſe are three. Firſt, Incroach not vpon the Prerogatiue of the Crowne: If there fall out a queſtion that concernes my Prerogatiue or myſtery of State, deale not with it, till you conſult with the King or his Councell, or both: for they are tranſcendent matters, and muſt not be ſliberely caried with ouer-raſh wilfulneſſe; for ſo may you wound the King through the ſides of a priuate perſon: and this I commend vnto your ſpeciall care, as ſome of you of late haue done very well, to blunt the ſharpe edge and vaine popular humour of ſome Lawyers at the Barre, that thinke they are not eloquent and bold ſpirited enough, except they meddle with the Kings Prerogatiue: But doe not you ſuffer this; for certainly if this liberty be ſuffered, the Kings Prerogatiue, the Crowne, and I, ſhall

be

be as much wounded by their pleading, as if you resolued what they disputed: That which concernes the mysterie of the Kings power, is not lawfull to be disputed; for that is to wade into the weakenesse of Princes, and to take away the mysticall reuerence, that belongs vnto them that sit in the Throne of God.

Secondly, That you keepe your selues within your owne Benches, not to inuade other Iurisdictions, which is vnfit, and an vnlawfull thing; In this I must inlarge my selfe. Besides the Courts of Common Law, there is the Court of Requests; the Admiraltie Court; the Court of the President and Councell of Walles, the President and Councell of the North; High Commission Courts, euery Bishop in his owne Court.

These Courts ought to keepe their owne limits and boundes of their Commission and Iustructions, according to the ancient Presidents: And like as I declare that my pleasure is, that euery of these shall keepe their owne limits and boundes; So the Courts of Common Lawe are not to en-

croach vpon them, no more then it is my pleaſure that they ſhould encroach vpon the Common Law. And this is a thing Regall, and proper to a King, to keepe euery Court within his owne bounds.

Ciuill cauſes.

In *Weſtminſter* Hall there are foure Courts: Two that handle cauſes Ciuil, which are the Common-pleas, and the Exchequer: Two that determine cauſes Criminall, which are the Kings-Bench, and the Starre-Chamber, where now I ſit. The Common-Pleas is a part and branch of the Kings-Bench; for it was firſt all one Court, and then the Common-Pleas being extracted, it was called Common-Pleas; becauſe it medled with the Pleas of Priuate perſons, and that which remained, the Kings-Bench. The other of the Courts for ciuill Cauſes, is the Exchequer, which was ordeined for the Kings Reuenew: That is the principall Inſtitution of that Court, and ought to be their chiefe ſtudie, and as other things come orderly thither by occaſion of the former, they may bee handled, and Iuſtice there adminiſtred.

Keepe you therefore all in your owne bounds, and for my part, I deſire you to giue

giue me no more right in my priuate Prerogatiue, then you giue to any Subiect; and therein I will bee acquiescent: As for the absolute Prerogatiue of the Crowne, that is no Subiect for the tongue of a Lawyer, nor is lawfull to be disputed.

Note.

It is Athiesme and blasphemie to dispute what God can doe: good Christians content themselues with his will reuealed in his word. So, it is presumption and high contempt in a Subiect, to dispute what a King can doe, or say that a King cannot doe this, or that; but rest in that which is the Kings reuealed will in his Law.

The Kings-Bench is the principal Court for criminall causes, and in some respects it deales with ciuill causes.

Then is there a Chancerie Court; this is a Court of Equitie, and hath power to deale likewise in Ciuill causes: It is called the dispenser of the Kings Conscience, following alwayes the intention of Law and Iustice; not altering the Law, not making that blacke which other Courts made white, nor, *è conuerso*; But in this it exceeds other

Court of Equitie.

Courts, mixing Mercie with Iuſtice, where other Courts proceed only according to the ſtrict rules of Law: And where the rigour of the Law in many caſes will vndoe a Subiect, there the Chancerie tempers the Law with equitie, and ſo mixeth Mercie with Iuſtice, as it preſerues men frō deſtruction.

And thus (as before I tolde you) is the Kings Throne eſtabliſhed by Mercie and Iuſtice.

The Chancerie is vndependant of any other Court, and is onely vnder the King: There it is written *Teſte meipſo*; from that Court there is no Appeale. And as I am bound in my Conſcience to maintaine euery Courts Iuriſdiction, ſo eſpecially this, and not ſuffer it to ſuſtaine wrong; yet ſo to maintaine it, as to keepe it within the owne limits, and free from corruption. My Chancellor that now is, I found him Keeper of the Seale, the ſame place in ſubſtance, although I gaue him the Stile of Chancellor, and God hath kept him in it till now; and I pray God he may hold it long; and ſo I hope he will. He will beare me witneſſe,

No Appeale from the Chancellor.

I neuer

I neuer gaue him other warrant, then to goe on in his Court acording to Preſidents, warranted by Law in the time of the beſt gouerning Kings, and moſt learned Chancellors; Theſe were the limits I gaue vnto him; beyond the ſame limits hee hath promiſed me he will neuer goe.

And as he hath promiſed mee to take no other Iuriſdiction to himſelfe, ſo it is my promiſe euer to maintaine this Iuriſdiction in that Court: Therefore I ſpeake this to vindicate that Court from miſconceipt and contempt.

It is the duetie of Iudges to puniſh thoſe that ſeeke to depraue the proceedings of any the Kings Courts, and not to encourage them any way: And I muſt confeſſe I thought it an odious and inept ſpeach, and it grieued me very much, that it ſhould bee ſaid in *Weſtminſter* Hall, that a *Premunire* lay againſt the Court of the Chancery and Officers there: how can the King grant a *Premunire* againſt himſelfe?

It was a fooliſh, inept, and preſumptuous attempt, and fitter for the time of ſome vn-

worthie

worthie King: vnderſtand mee aright; I meane not, the Chancerie ſhould exceede his limite; but on the other part, the King onely is to correct it, and none elſe: And therefore I was greatly abuſed in that attempt: For if any was wronged there, the complaint ſhould haue come to mee. None of you but will confeſſe you haue a King of reaſonable vnderſtanding, and willing to reforme; why then ſhould you ſpare to complaine to me, that being the high way? and not goe the other by-way, and backeway, in contempt of our Authority.

Damation.

And therefore ſitting heere in a ſeate of Iudgement, I declare and command, that no man hereafter preſume to ſue a *Premunire* againſt the Chancery; which I may the more eaſily doe, becauſe no *Premunire* can be ſued but at my ſuite: And I may iuſtly barre my ſelfe at mine owne pleaſure.

As all inundations come with ouerflowing the bankes, and neuer come without great inconuenience, and are thought prodigious by Aſtrologers in things to come: So is this ouerflowing the bankes of your

Iuriſdiction

Iuriſdiction in it ſelfe inconuenient, and may proue prodigious to the State.

Remember therefore, that hereafter you keepe within your limits and Iuriſdictions. It is a ſpeciall point of my Office to procure and command, that amongſt Courts there be a concordance, and muſicall accord; and it is your parts to obey, and ſee this kept: And, as you are to obſerue the ancient Lawes and cuſtomes of *England*; ſo are you to keepe your ſelues within the bound of direct Law, or preſidents; and of thoſe, not euery ſnatched preſident, carped now here, now there, as it were running by the way; but ſuch as haue neuer beene controuerted, but by the contrarie, approued by common vſage, in times of beſt Kings, and by moſt learned Iudges. *Admonitio.*

The *Starre-Chamber* Court hath beene likewiſe ſhaken of late, and the laſt yeere it had receiued a ſore blow, if it had not beene aſſiſted and caried by a few voices; The very name of *Starre-Chamber*, ſeemeth to procure a reuerence to the Court.

I will not play the Criticke to deſcant on

the name; It hath a name from heauen, a Starre placed in it; and a Starre is a glorious creature, and ſeated in a glorious place, next vnto the Angels. The *Starre Chamber* is alſo glorious in ſubſtance; for in the compoſition, it is of foure ſorts of perſons: The firſt two are Priuie Councellors & Iudges, the one by wiſedome in matters of State; the other, by learning in matters of Law, to direct and order all things both according to Law and State: The other two ſorts are Peeres of the Realme, and Biſhops: The Peeres are there by reaſon of their greatnes, to giue authoritie to that Court: The Biſhops becauſe of their learning in Diuinitie, and the intereſt they haue in the good gouernment of the Church: And ſo, both the learning of both diuine and humane Law, and experience and practiſe in Gouernement, are conioyned together in the proceedings of this Court.

There is no Kingdome but hath a Court of Equitie, either by it ſelfe, as is here in *England*, or elſe mixed, and incorporate in their Office that are Iudges in the Law, as it

is

is in *Scotland*: But the order of *England* is much more perfect, where they are diuided. And as in case of Equitie, where the Law determines not clearely, there the Chancerie doeth determine, hauing Equitie belonging to it, which doeth belong to no other Court: So the *Starre-Chamber* hath that belonging to it, which belongs to no other Court: For in this Court Attempts are punishable, where other Courts punish onely facts; And also where the Law punisheth factes easily, as in case of Riots or Combates, there the *Starre-Chamber* punisheth in a higher degree; And also all combinations of practises and conspiracies; And if the King be dishonoured or contemned in his Prerogatiue, it belongs most properly to the Peeres and Iudges of this Court to punish it: So then this Court being instituted for so great causes, it is great reason it should haue great honour.

Remember now how I haue taught you brotherly loue one toward another: For you know well, that as you are Iudges, you are all brethren, and your Courts are sisters.

I pray you therefore, labour to keepe that sweete harmonie which is amongst those Sisters the *Muses*. What greater miserie can there be to the Law, then contempt of the Law? and what readier way to contempt, then when questions come, what shall be determined in this Court, and what in that? Whereupon two euils doe arise; The one, that men come not now to Courts of Iustice, to heare matters of right pleaded, and decrees giuen accordingly, but onely out of a curiositie to heare questions of the iurisdictions of Courts disputed, and to see the euent, what Court is like to preuaile aboue the other; And the other is, that the Pleas are turned from Court to Court in an endlesse circular motion, as vpon *Ixions* wheele: And this was the reason why I found iust fault with that multitude of Prohibitions: for when a poore Minister had with long labour, and great expence of charge and time, gotten a sentence for his Tithes, then comes a Prohibition, and turnes him round from Court to Court, and so makes his cause immortall and endlesse: for by this vncer-

vncertaintie of Iurisdiction amongeſt Courts, cauſes are ſcourged from Court to Court, and this makes the fruit of ſuits like *Tantalus* fruit, ſtill neere the ſuiters lips, but can neuer come to taſt it. And this in deed is a great delay of Iuſtice, and makes cauſes endleſſe: Therefore the onely way to auoyd this, is for you to keepe your owne bounds, and nouriſh not the people in contempt of other Courts, but teach them reuerence to Courts in your publique ſpeaches, both in your Benches, and in your Circuits; So ſhal you bring them to a reuerence, both of GOD, and of the King.

Keepe therefore your owne limits towards the King, towards other Courts, and towards other Lawes, bounding your ſelues within your owne Law, and make not new Law. Remember, as I ſaid before, that you are Iudges, to declare, and not to make Law: For when you make a Decree neuer heard of before, you are Law giuers, and not Law-tellers.

I haue laboured to gather ſome Articles, like an *Index expurgatorius*, of nouelties new

crept into the Law, and I haue it ready to be conſidered of: Looke to *Plowdens* Caſes, and your old *Reſponſa prudentum*; if you finde it not there, then (*ab initio non fuit ſic*) I muſt ſay with CHRIST, Away with the new polygamie, and maintaine the ancient Law pure and vndefiled, as it was before.

TO the Auditorie I haue but little to ſay, yet that little will not be ill beſtowed to be ſaid at this time.

Since I haue now renewed and confirmed my reſolution to maintaine my Oath, the Law and Iuſtice of the Land; So doe I expect, that you my Subiects doe ſubmit your ſelues as you ought, to the obſeruance of that Law.

And as I haue diuided the two former parts of my Charge; So will I diuide this your Submiſſion into three parts; for orderly diuiſions and methode, cauſe things better to be remembred.

Firſt in generall, that you giue due reuerence to the Law; and this generall diuides it ſelfe into three.

Firſt, not to ſue, but vpon iuſt cauſe.

Secondly,

Secondly, being ſued, and Iudgement paſſed againſt you, Acquieſce in the Iudgement, and doe not tumultuate againſt it; and take example from me, whom you haue heard here proteſt, that when euer any Decree ſhall be giuen againſt me in my priuate right, betweene mee and a Subiect, I will as humbly acquieſce, as the meaneſt man in the Land. Imitate mee in this, for in euery Plea there are two parties, and Iudgement can be but for one, and againſt the other; ſo one muſt alwayes be diſpleaſed.

Thirdly, doe not complaine and importune mee againſt Iudgements; for I holde this Paradoxe to bee a good rule in gouernment, that it is better for a King to maintaine an vniuſt Decree, then to queſtion euery Decree and Iudgement, after the giuing of a ſentence; for then ſuites ſhall neuer haue ende. Therefore as you come gaping to the Law for Iuſtice, ſo bee ſatisfied and contented when Iudgement is paſt againſt you, and trouble not mee; but if you finde briberie or corruption, then come boldly: but when I ſay boldly, beware of comming

comming to complaine, except you be very ſure to prooue the iuſtice of your cauſe: Otherwiſe looke for *Lex Talionis* to bee executed vpon you; for your accuſing of an vpright Iudge, deſerues double puniſhment, in that you ſeeke to lay infamie vpon a worthy perſon of that reuerent calling.

Iudges haue no fees but of the King.

And bee not tild on with your owne Lawyers tales, that ſay the cauſe is iuſt for their owne gaine; but beleeue the Iudges, that haue no hire but of me.

Secondly, in your Pleas, preſume not to meddle with things againſt the Kings Prerogatiue, or Honour: Some Gentlemen of late haue bene too bold this wayes; If you vſe it, the Iudges will puniſh you; and if they ſuffer it, I muſt puniſh both them and you. Plead not vpon new Puritanicall ſtraines, that make all things popular; but keepe you within the ancient Limits of Pleas.

Not to go from Court to Court.

Thirdly, make not many changes from Court to Court: for hee that changeth Courts, ſhewes to miſtruſt the iuſtneſſe of the cauſe. Goe to the right place, and the

Court

Court that is proper for your cauſe; change not thence, and ſubmit your ſelues to the Iudgement giuen there.

Thus hauing finiſhed the charge to my ſelfe, the Iudges and the Auditorie, I am to craue your pardon if I haue forgotten any thing, or bene inforced to breake my Methode; for you muſt remember, I come not hither with a written Sermon: I haue no Bookes to reade it out of, and a long ſpeach, manifold buſineſſe, and a little leaſure may well pleade pardon for any fault of memorie; and trewly I know not if I haue forgotten any thing or not.

And now haue I deliuered, Firſt my excuſe, why I came not till now: Next, the reaſons why I came now: Thirdly, my charge, and that to my ſelfe, to you my Lords the Iudges, and to the Auditorie.

I haue alſo an ordinarie charge that I vſe to deliuer to the Iudges before my Councell, when they goe their circuits; and ſeeing I am come to this place, you ſhall haue that alſo, and ſo I will make the old ſaying trew, *Combe feldome, combe fore*, I meane by my

long deteining you at this time, which will be ſo much the more profitable in this Auditorie; becauſe a number of the Auditorie will be informed here, who may relate it to their fellow Iuſtices in the countrey.

My Lords the Iudges, you know very well, that as you are Iudges with mee when you ſit here; ſo are your Iudges vnder mee, and my Subſtitutes in the circuits, where you are Iudges Itinerant to doe Iuſtice to my people.

It is an ancient and laudable cuſtome in this Kingdome, that the Iudges goe thorow the Kingdome in Circuits, eaſing the people thereby of great charges, who muſt otherwiſe come from all the remote parts of the Kingdome to *Weſtminſter Hall*, for the finding out and puniſhing of offences paſt, and preuenting the occaſion of offences that may ariſe.

I can giue you no other charge in effect, but onely to remember you againe of the ſame in ſubſtance which I deliuered to you this time Twelue-moneth.

Firſt, remember that when you goe your Cir-

Circuits, you goe not onely to punish and preuent offences, but you are to take care for the good gouernment in generall of the parts where you trauell, as well as to doe Iustice in particular betwixt partie and partie, in causes criminall and ciuill.

You haue charges to giue to Iustices of peace, that they doe their dueties when you are absent, aswell as present: Take an accompt of them, and report their seruice to me at your returne.

As none of you will hold it sufficient to giue a charge, except in taking the accompt, you finde the fruit of it: So I say to you, it will not be sufficient for you, to heare my charge, if at your returne, you bring not an accompt to the haruest of my sowing, which cannot bee done in generall, but in making to me a particular report what you haue done.

For, a King hath two Offices.

First, to direct things to be done:

Secondly, to take an accompt how they are fulfilled, for what is it the better for mee

to direct as an Angel, if I take not accompt of your doings.

I know not whether miſunderſtanding, or ſlackeneſſe bred this, that I had no accompt but in generall, of that I gaue you in particular in charge the laſt yeere: Therefore I now charge you againe, that at your next returne, you repaire to my *Chancellor*, and bring your accompts to him in writing, of thoſe things which in particular I haue giuen you in charge: And then when I haue ſeene your accompts, as occaſion ſhall ſerue, it may bee I will call for ſome of you, to be informed of the ſtate of that part of the countrey where your Circuit lay.

Of theſe two parts of your ſeruice, I know the ordinary legall part of *Niſi prius* is the more profitable to you: But the other part of Iuſtice is more neceſſary for my ſeruice. Therefore as *Chriſt* ſaid to the Phariſes, *Hoc agite*, as the moſt principall: yet I wil ſay, *Et illud non omittite*: Which, that you may the better doe, I haue allowed you a day more in your Circuits, then my Predeceſſors haue done.

And

And this you ſhall finde, that euen as a King, (let him be neuer ſo godly, wiſe, righteous, and iuſt) yet if the ſublaterne Magiſtrates doe not their parts vnder him, the Kingdome muſt needes ſuffer: So let the Iudges be neuer ſo carefull and induſtrious, if the Iuſtices of Peace vnder them, put not to their helping handes, in vaine is all your labour: For they are the Kings eyes and eares in the countrey. It was an ancient cuſtome, that all the Iudges both immediatly before their going to their Circuits, and immediatly vpon their returne, repaired to the Lord *Chancellour* of *England*, both to receiue what directions it ſhould pleaſe the King by his mouth to giue vnto them; as alſo to giue him an accompt of their labours, who was to acquaint the King therewith: And this good ancient cuſtome hath likewiſe bene too much ſlacked of late; And therefore firſt of all, I am to exhort & command you, that you bee carefull to giue a good accompt to mee and my *Chancellor*, of the dueties performed by all Iuſtices of Peace in your Circuits: Which gouernment by Iu-

ſtices, is ſo lawdable and ſo highly eſteemed by mee, that I haue made *Scotland* to be gouerned by Iuſtices and Conſtables, as *England* is. And let not Gentlemen be aſhamed of this Place; for it is a place of high Honour, and great reputation, to bee made a Miniſter of the Kings Iuſtice, in ſeruice of the Common-wealth.

Of theſe there are two ſorts, as there is of all Companies, eſpecially where there is a great number; that is, good and bad Iuſtices: For the good, you are to informe me of them, that I may know them, thanke them, and reward them, as occaſion ſerues: For I hold a good Iuſtice of Peace in his Countrey, to doe mee as good ſeruice, as hee that waits vpon me in my Priuie Chamber, and as ready will I bee to reward him; For I accompt him as capable of any Honour, Office, or preferrement about my Perſon, or for any place of Councell or State, as well as any Courteour that is neere about mee, or any that haue deſerued well of me in forraine imployments: Yea I eſteeme the ſeruice done mee by a good Iuſtice of Peace,

three

three hundred miles, yea ſixe hundred miles out of my ſight, as well as the ſeruice done me in my preſence: For as God hath giuen me large limits, ſo muſt I bee carefull that my prouidence may reach to the fartheſt parts of them: And as Law cannot bee honoured, except Honour be giuen to Iudges: ſo without due reſpect to Iuſtices of Peace, what regard will be had of the ſeruice?

Therefore let none bee aſhamed of this Office, or be diſcouraged in being a Iuſtice of Peace, if he ſerue worthily in it.

The Chancellour vnder me, makes Iuſtices, and puts them out; but neither I, nor hee can tell what they are: Therefore wee muſt be informed by you Iudges, who can onely tell, who doe well, and who doe ill; without which, how can the good bee cheriſhed and maintained, and the reſt put out? The good Iuſtices are carefull to attend the ſeruice of the King and countrey, for thanks onely of the King, and loue to their countrey, and for no other reſpect.

The bad are either idle Slowbellies, that abide alwayes at home, giuen to a life of eaſe

and

and delight, liker Ladies then men; and thinke it is enough to contemplate Iuſtice, when as *Virtus in actione conſiſtit*: contemplatiue Iuſtice is no Iuſtice, and contemplatiue Iuſtices are fit to be put out.

Another ſort of Iuſtices are buſie-bodies, and wil haue all men dance after their pipe, and follow their greatneſſe, or elſe will not be content; A ſort of men, *Qui ſe primos omnium eſſe putant, nec ſunt tamen*: Theſe proud ſpirits muſt know, that the countrey is ordained to obey and follow GOD and the King, and not them.

Another ſort are they, that goe ſeldome to the Kings ſeruice, but when it is to helpe ſome of their kindred or alliance; So as when they come, it is to helpe their friends, or hurt their enemies, making Iuſtice to ſerue for a ſhadow to Faction, and tumultuating the countrey.

Another ſort are Gentlemen of great worth in their owne conceit, and cannot bee content with the preſent forme of Gouernement, but muſt haue a kind of libertie in the people, and muſt bee gracious Lords,

and

and Redeemers of their liberties, and in euery cauſe that concernes Prerogatiue, giue a ſnatch againſt a Monarchie, through their Puritanicall itching after Popularitie: Some of them haue ſhewed themſelues too bold of late in the lower houſe of Parliament: And when all is done, if there were not a King, they would be leſſe cared for then other men.

And now hauing ſpoken of the qualities of the Iuſtices of Peace, I am next to ſpeake of their number. As I euer held the midway in all things to be the way of Vertue, in eſchewing both extremities: So doe I in this: for vpon the one part, a multitude of Iuſtices of Peace in the countrey more then is neceſſary, breeds but confuſion: for although it be an old Prouerbe, that *Many handes make light worke*; yet too many make ſlight worke; and too great a number of Iuſtices of Peace, will make the buſineſſe of the countrey to bee the more neglected, euery one truſting to another, ſo as nothing ſhalbe well done; beſides the breeding of great corruption: for where there

is a great number, it can hardly be, but ſome will be corrupted. And vpon the other part, too few Iuſtices of Peace, will not be able to vndergoe the burthen of the ſeruice; And therefore I would neither haue too few, nor too many, but as many in euery countrey, as may, according to the proportion of that countrey, bee neceſſary for the performing of the ſeruice there, and no more.

As to the charge you are to giue to the Iuſtices, I can but repeat what formerly I haue told you; Yet in ſo good a buſineſſe, *Lectio lecta placet, decies repetita placebit.* And as I beganne with fulfilling the Prouerbe, *A Ioue principium*; ſo will I beginne this charge you haue to giue to the Iuſtices with Church-matters: for GOD will bleſſe euery good buſineſſe the better, that he and his Church haue the precedence. That which I am now to ſpeake, is anent Recuſants and Papiſts. You neuer returned from any Circuit, but by your accompt made vnto me, I both conceiued great comfort, and great griefe: Comfort, when I heard a number of Recuſants in ſome Circuits to be diminiſhed:

miniſhed: Griefe to my heart & ſoule, when I heard a number of Recuſants to be in other Circuits increaſed.

I proteſt vnto you, nothing in the earth can grieue mee ſo much, as mens falling away from Religion in my dayes; And nothing ſo much ioyes mee, as when that Religion increaſeth vnder mee. GOD is my witneſſe, I ſpeake nothing for vaine-glory; but ſpeake it againe; My heart is grieued when I heare Recuſants increaſe: Therefore I wiſh you Iudges, to take it to heart, as I doe, and preuent it as you can; and make mee knowen to my people, as I am.

There are three ſorts of Recuſants: The firſt are they that for themſelues will be no Recuſants, but their wiues and their families are; and they themſelues doe come to Church, but once or twice in a yeere, inforced by Law, or for faſhion ſake; Theſe may bee formall to the Law, but more falſe to GOD then the other ſort.

The ſecond ſort are they that are Recuſants & haue their conſcience miſſe-led, and therefore refuſe to come to Church, but o-

therwiſe liue as peaceable Subiects.

The third ſort are practiſing Recuſants: Theſe force all their ſeruants to bee Recuſants with them; they will ſuffer none of their tenants, but they muſt be Recuſants; and their neighbours if they liue by them in peace, muſt be Recuſants alſo.

Theſe you may finde out as a foxe by the foule ſmell, a great way round about his hole; This is a high pride and preſumption, that they for whoſe ſoules I muſt anſwere to GOD, and who enioy their liues and liberties vnder mee, will not onely bee Recuſants themſelues, but infect and draw others after them.

As I haue ſaid in Parliament houſe, I can loue the perſon of a Papiſt, being otherwiſe a good man and honeſtly bred, neuer hauing knowing any other Religion: but the perſon of an Apoſtate Papiſt, I hate. And ſurely for thoſe Polypragmaticke Papiſts, I would you would ſtudie out ſome ſeuere puniſhment for them: for they keepe not infection in their owne hearts onely, but alſo infect others our good Subiects. And

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that which I say for Recusants, the same I say for Priests: I confesse I am loath to hang a Priest onely for Religion sake, and saying Masse; but if he refuse the Oath of Alleagiance (which, let the Pope and all the deuils in Hell say what they will) yet (as you finde by my booke and by diuers others, is meerely Ciuill) those that so refuse the Oath, and are Polypragmaticke Recusants; I leaue them to the Law; it is no persecution, but good Iustice.

And those Priests also, that out of my Grace and Mercy haue beene let goe out of prisons, and banished, vpon condition not to returne; aske mee no questions touching these, quit me of them, and let me not heare of them: And to them I ioyne those that breake prison; for such Priests as the prison will not hold, it is a plaine signe nothing will hold them but a halter: Such are no Martyrs that refuse to suffer for their conscience. *Paul*, notwithstanding the doores were open, would not come foorth: And *Peter* came not out of the prison till led by the Angel of God: But these will goe forth

though with the angel of the Diuell.

I haue giuen order to my Lord of *Canterbury*, and my Lord of *London* for the diſtinction, &c. of the degrees of Prieſtes; and when I haue an accompt from them, then will I giue you another charge concerning them.

Another thing that offendeth the Realme, is abundance of Ale-houſes; and therefore to auoyd the giuing occaſion of euil, and to take away the roote, and puniſh the example of vice, I would haue the infamous Ale-houſes pulled downe, and a command to all Iuſtices of Peace that this be done.

I may complaine of Ale-houſes, for receipt of Stealers of my Deere; but the countrey may complaine for ſtealing their horſes, oxen, and ſheepe; for murder, cutting of purſes, and ſuch like offences; for theſe are their haunts. Deuouring beaſts, as Lyons, and Beares, will not be where they haue no dennes nor couert; So there would bee no theeues, if they had not their receipts, and theſe Alehouſes as their dennes.

Another ſort, are a kinde of Ale-houſes, which

which are houſes of haunt and receipt for debauſhed rogues and vagabonds, and idle ſturdie fellowes; and theſe are not properly Ale-houſes, but baſe victuallers, ſuch as haue nothing elſe to liue by, but keeping houſes of receipt for ſuch kinde of cuſtomers. I haue diſcouered a ſtrange packe of late, That within tenne or twelue miles of London, there are tenne or twelue perſons that liue in ſpight of mee; going with Piſtols, and walking vp and downe from harbour to harbour killing my Deere, and ſo ſhift from hold to hold, that they cannot be apprehended.

For Rogues, you haue many good Acts of Parliament: *Edward* the ſixt, though hee were a child, yet for this, he in his time gaue better order then many Kings did in their aage: You muſt take order for theſe Beggars and Rogues; for they ſo ſwarme in euery place, that a man cannot goe in the ſtreetes, nor in the high wayes, nor any where for them.

Looke to your houſes of Correction, and remember that in the chiefe Iuſtice

Phobams

Popham's time, there was not a wandering begger to be found in all *Somerſetſhire*, being his natiue countrey.

Haue a care alſo to ſuppreſſe the building of Cottages vpon Commons, which are as bad as Alehouſes, and the dwellers in them do commonly ſteale Deare, connies, ſheepe, oxen, horſes; breake houſes, and doe all maner of villanies. It is trew, ſome ill Iuſtices make gaine of theſe baſe things: take an accompt of the Iuſtices of Peace, that they may know they doe theſe things againſt the will of the King.

I am likewiſe to commend vnto you a thing very neceſſarie, High-wayes and Bridges; becauſe no Common-weale can bee without paſſage: I proteſt, that as my heart doeth ioy in the erection of Schooles and Hoſpitals, which haue bene more in my time, then in many aages of my predeceſſors; ſo it grieues me, and it is wonderfull to ſee the decay of charitie in this; how ſcant men are in contributing towards the amendment of High-wayes & Bridges: Therefore take a care of this, for that is

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done to day with a penie, that will not bee done hereafter with an hundred pounds, and that will bee mended now in a day, which hereafter will not bee mended in a yeere, and that in a yeere, which will not be done in our time, as wee may see by *Pauls* Steeple.

Another thing to be cared for, is the new Buildings here about the Citie of London; concerning which my Proclamations haue gone foorth, and by the chiefe Iustice here, and his Predecessor *Popham*, it hath bene resolued to be a generall nusans to the whole Kingdome: And this is that, which is like the Spleene in the body, which in measure as it ouergrowes, the body wastes. For is it possible but the countrey must diminish, if London doe so increase, and all sorts of people doe come to London? and where doeth this increase appeare? not in the heart of the Citie, but in the suburbs; not giuing wealth or profit to the Citie, but bringing miserie and surcharge both to Citie and Court, causing dearth and scarsitie through the great prouision of victuals and fewell, that must

be for ſuch a multitude of people: And theſe buildings ſerue likewiſe to harbor the worſt ſort of people, as Alehouſes and cottages doe. I remember, that before Chriſtmas was twelue-moneth I made a Proclamation for this cauſe, That all Gentlemen of qualitie ſhould depart to their owne countreys and houſes, to maintaine hoſpitalitie amongſt their neighbours; which was equiuocally taken by ſome, as that it was meant onely for that Chriſtmas: But my will and meaning was, and here I declare that my meaning was, that it ſhould alwayes continue.

One of the great cauſes of all Gentlemens deſire, that haue no calling or errand, to dwell in London, is apparently the pride of the women: For if they be wiues, then their husbands; and if they be maydes, then their fathers muſt bring them vp to London; becauſe the new faſhion is to be had no where but in London: and here, if they be vnmarried, they marre their marriages, and if they be married, they looſe their reputations, and robbe their husbands purſes. It is the faſhi-

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on of *Italy*, especially of *Naples*, (which is one of the richest parts of it) that all the Gentry dwell in the principall townes; and so the whole countrey is emptie: Euen so now in *England*, all the countrey is gotten into *London*; so as with time, *England* will onely be *London*, and the whole countrey be left waste: For as we now do imitate the French fashion, in fashion of Clothes, and Lackeys to follow euery man; So haue we got vp the Italian fashion, in liuing miserably in our houses, and dwelling all in the citie: but let vs in Gods name leaue these idle forreine toyes, and keepe the old fashion of *England*: For it was wont to bee the honour and reputation of the English Nobilitie and Gentry, to liue in the countrey, and keepe hospitalitie; for which we were famous aboue all the countreys in the world; which we may the better doe, hauing a soile abundantly fertile to liue in.

And now out of my owne mouth I declare vnto you, (which being in this place, is equall to a Proclamation, which I intend likewise shortly hereafter to haue publikely

proclaimed,) that the Courtiers, Citizens, and Lawyers, and thoſe that belong vnto them, and others as haue pleas in Terme time, are onely neceſſary perſons to remaine about this Citie; others muſt get them into the countrey; For beſide the hauing of the countrey deſolate, when the Gentry dwell thus in LONDON, diuers other miſchiefes ariſe vpon it: Firſt, if inſurrections ſhould fall out (as was lately ſeene by the Leuellers gathering together) what order can be taken with it, when the countrey is vnfurniſhed of Gentlemen to take order with it? Next, the poore want reliefe for fault of the Gentlemens hoſpitality at home: Thirdly, my ſeruice is neglected, and the good gouernment of the countrey for lacke of the principall Gentlemens preſence, that ſhould performe it: And laſtly, the Gentlemen loſe their owne thrift for lacke of their owne preſence, in ſeeing to their owne buſines at home. Therefore as euery fiſh liues in his owne place, ſome in the freſh, ſome in the ſalt, ſome in the mud: ſo let euery one liue in his owne place, ſome at Court, ſome

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in the Citie, ſome in the Countrey; ſpecially at Feſtiuall times, as Chriſtmas and Eaſter, and the reſt.

And for the decreaſe of new buildings here, I would haue the builders reſt rained, and committed to priſon; and if the builders cannot bee found, then the workemen to bee impriſoned; and not this onely, but likewiſe the buildings to bee caſt downe; I meane ſuch buildings as may bee ouerthrowen without inconuenience, and therfore that to be done by order and direction.

There may be many other abuſes that I know not of; take you care my Lords the Iudges of theſe, and of all other; for it is your part to looke vnto them. I heare ſay, robbery begins to abound more then heretofore, and that ſome of you are too mercifull; I pray you remember, that mercy is the Kings, not yours, and you are to doe Iuſtice where trew cauſe is? And take this for a rule of Policie, That what vice moſt abounds in a Common-wealth, that muſt be moſt ſeuerely puniſhed; for that is trew gouernment.

And now I wil conclude my Speach with GOD, as I began. First, that in all your behauiours, aswell in your Circuits as in your Benches, you giue due reuerence to God: I meane, let not the Church nor Churchmen be disgraced in your Charge, nor Papists nor Puritanes countenanced: Countenance and encourage the good Churchmen, and teach the people by your example to reuerence them: for, if they be good, they are worthy of double honour for their Office sake; if they be faultie, it is not your place to admonish them; they haue another *Forum* to answere to for their misbehauiour.

Next, procure reuerence to the King and the Law; informe my people trewly of me, how zealous I am for Religion, how I desire Law may be maintained and flourish; that euery Court should haue his owne Iurisdiction; that euery Subiect should submit himselfe to Law; So may you liue a happy people vnder a Iust KING, freely enioying the fruit of PEACE and IVSTICE, as such a people should doe.

Now

Now I confeſſe, it is but a *Tandem aliquando*, as they ſay in the Schooles, that I am come hither: Yet though this be the firſt, it ſhall not, with the grace of God, be the laſt time of my comming, now my choice is taken away; for hauing once bene here, a meaner occaſion may bring mee againe: And I hope I haue euer caried my ſelfe ſo, and by Gods grace euer will, as none will euer ſuſpect, that my comming here will be to any partiall end; for I will euer bee carefull in point of Iuſtice, to keepe my ſelfe vnſpotted all the dayes of my life. And vpon this my generall proteſtation, I hope the world wil know, that I came hither this day to maintaine the Law, and doe Iuſtice according to my Oath.

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